

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE:)
)
PHILIP JAY FETNER,)
)
Debtor-In-Possession.)
)
_____)
WILMINGTON SAVINGS FUND SOCIETY,)
FSB, NOT IN ITS INDIVIDUAL CAPACITY)
BUT SOLELY AS TRUSTEE FOR BCAT 2017)
-19TT,)
)
Movant,)
)
)
v.)
)
PHILIP JAY FETNER,)
)
Respondent.)

Case No. 17-13036-KHK
Chapter 11

**ORDER DENYING MOTION SEEKING ORDER DETERMINING
THAT PROPERTY IS NOT SUBJECT TO THE AUTOMATIC STAY**

THIS MATTER came on for evidentiary hearing on February 12, 2019, upon the *Motion Seeking Order Determining That Property located at 7476 Stoney Hill Lane, The Plains, Virginia is not Subject to the 11 U.S.C. §362 Stay* (Docket No. 140) (the “Motion”) and the *Brief in Support* (Docket No. 180) filed by Wilmington Savings Fund Society, FSB, Not in its Individual Capacity But Solely as Trustee for BCAT 2017-19TT (“WSFS”), the *Response* (Docket No. 163) filed by Hotel Street Capital, LLC, the *Objection* filed by Stephen S. Roszel, VII and Per Bang-Gensen, Co-Executors of the Last Will and Testament of Stephen S. Roszel, VI and Susan Roszel Hartz, and the *Response* (Docket No. 165) and the *Brief in Opposition* (Docket No. 181) filed by Philip Jay Fetner (the “Debtor”), the debtor and debtor in possession herein; and the Court having considered all pleadings filed by the parties herein, all of the testimonial and documentary evidence presented during the hearing, and the arguments of all

counsel presenting in this contested matter; and for the reasons stated from the bench, it is therefore

ORDERED that the *Motion* be, and it hereby is, DENIED; and that the real property and improvements located at 7476 Stoney Hill Lane, The Plains, Virginia 20198, are property of the Debtor's bankruptcy estate and subject to the automatic stay imposed by 11 U.S.C. §362(a).

Dated: Mar 6 2019

/s/ Klinette Kindred

KLINETTE H. KINDRED
United States Bankruptcy Judge

I ASK FOR THIS:

Entered on Docket: March 7, 2019

/s/ Robert M. Marino

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SEEN AND OBJECTED TO:

/s/ John T. Donelan

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Certificate of Service

I hereby certify that on this 6th day of March, 2019, a true copy of the foregoing proposed Order was sent by email to the following persons:

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/s/ Robert M. Marino
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